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Appl. No. : 10/906,947
Inventor : SNELL, Alan Kay
Filed : March 14, 2005
TC/AU : 3761
Examiner : GIBSON, Keshia

Confirmation No. 3947

Docket No. : 1032.017
Customer No. : 36790

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR § 1.132 DECLARATION

I, Richard F. Anderson, hereby declare that:

1. My resident address is 8153 Audubon Street NW, Massillon, Ohio.
2. I am the President of KPC—Master's Craft International, Inc., an Ohio corporation that manufactures industrial shrink wrapping machines and provides shrink wrap film.
3. I have over thirty-five (35) years experience in the packaging industry.
4. I hold a bachelor's degree in packaging engineering, which degree I received from Michigan State in 1969.
5. I further hold a masters degree in packaging engineering, which degree I received from Michigan State in 1970.
6. From 1970-1977, I was employed as a packaging engineer with Cryovac, a packaging company in Spartanburg, South Carolina. While at Cryovac, my duties and responsibilities involved working with packaging machines and processes, including vacuum-packing food products such as meats and cheeses.
7. From 1977-1983, I was employed with Engraph, another packaging company. I initially served as a packaging engineer for all products including shrink packaging and vacuum-packaging of meats. I progressed into management and sales during the later part of my employment with Engraph.
8. From 1983-1986, I was employed with Paramount Packaging. I served as operations manager for several plants of Paramount Packaging. Kimberly-Clark was one of the larger customers, for whom we provided diaper packaging services.

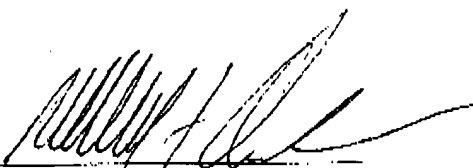
9. From 1986-1990, I was employed with a packaging company by the name of Jaite, which company focused on packaging for soft drinks, other foodstuffs, and medical supplies. I served as a general manager at Jaite.
10. From 1990-1997, I was employed with Sealright and served as Senior Vice President of Flexible Packaging overseeing four domestic and two foreign operations including agents in 42 countries.
11. From 1997-1999, I was employed as operations manager and innovations manager with PacOne, a packaging company. PacOne provided packaging such as pouches and overwrap for candy and laminations for the meat and poultry industry.
12. From 1999-2002, I was employed with Primary Packaging, another packaging company. I served as general manager for Primary Packaging, which provided packaging services and products primarily to the horticulture industry and the construction industry.
13. From 2002 -2004, I was President of Richard F. Anderson & Associates, consultant to the Industry.
14. Since 2004, I have served as the President/CEO of KPC—Master's Craft International, Inc. a company engaged in the manufacture and distribution of packaging equipment and materials.
15. I am identified as an inventor on the following nine U.S. patents, all of which are in the field of packaging: USPN 6,533,711 titled "*Recloseable pouch with reinforced handle and method of making same*"; USPN 6,461,044 titled "*Recloseable bag formed on form, fill and seal machine*"; USPN 6,293,897 titled "*Securement of a pad to the inside of a bag*"; USPN 6,234,944 titled "*Securement of a pad to the inside of a bag*"; USPN 6,126,317 titled "*Configuration resisting tear propagation in container sidewall*"; USPN 6,089,367 titled "*Securement of a pad to the inside of a bag*"; USPN 6,053,635 titled "*Recloseable pouch with reinforced handle*"; USPN 5,464,285 titled "*Bag with perforated opening*"; and USPN 3,777,445 titled "*Method and Apparatus for Pricing Case Packed Canned Goods*".
16. I have reviewed Narawa Japanese Patent Application No. JP 10-095,481 (attached as Exhibit A)
17. I have read the translation of the Narawa reference, which translation is attached as Exhibit B.
18. It is my opinion, based on my review of the Narawa reference and translation thereof, that the Narawa reference neither discloses nor suggests the vacuum-packing or vacuum-scaling of a diaper.
19. It is my opinion, based on my review of the Narawa reference and translation thereof, that the Narawa reference fails to disclose or teach that the packaging material should be air-tight, which is necessary in order to maintain a pressure differential between an interior and an exterior of a packaging bag. For example, Narawa discloses in paragraph 14 that a preferred packaging material is polyethylene, and Narawa discloses in paragraph 35 that polyethylene is the packaging

material used in the reported experiments. Polyethylene cannot be used in maintaining a pressure differential because air leaks through the polyethylene film. Consequently, Narawa neither discloses nor suggests vacuum-packing or vacuum-sealing of a diaper.

20. It is my opinion, based on my review of the Narawa reference and translation thereof, that the Narawa reference discloses and teaches the manufacturing of a package that includes a compressed diaper and that the structure of the package itself maintains the diaper in the compressed state.
21. It is my opinion, based on my review of the Narawa reference and translation thereof, that the Narawa reference specifically discloses and teaches the fabrication of a bag from a packaging material and that the packaging material of the bag has sufficient strength to maintain the diaper in the compressed state without any additional pressure acting upon the bag.
22. It is my opinion, based on my review of the Narawa reference and translation thereof, that Narawa in general, and paragraph 33 in particular, fails to disclose or teach vacuum-packing or vacuum-sealing. Instead, this paragraph discloses the evacuation of air from the packaging bag. Evacuation of air is not the same as vacuum-packing or vacuum-sealing, and the evacuation of air does not suggest or teach vacuum-packing or vacuum-sealing. Generally, air is evacuated from a bag in order to reduce the interior volume of the bag prior to any final sealing of the bag. Removal of excess air is generally beneficial unless the excess air is need for cushioning and protection of the contents of the bag, such as in packaging of potato chips.
23. I have no direct or indirect financial interest, nor any other interest, in the above-referenced patent application or in the assignee of this application, which is DIAPEROOS, LLC of North Carolina.

I hereby declare, under penalty of perjury, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

6-6-05
Date


Richard F. Anderson